UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/943,711 | 08/30/2001 | Robert J. Simmons | SMG 301 | 1334 |

23581 7590 12/19/2002

KOLISCH HARTWELL, P.C.
520 S.W. YAMHILL STREET
SUITE 200
PORTLAND, OR 97204

| EXAMINER |
|---|
| HORTON, YVONNE MICHELE |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3635 | |

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. 09/943,711 | Applicant(s) ROBERT J. SIMMONS et al. |
|---|---|---|
| | Examiner YVONNE M. HORTON | Art Unit 3635 |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on *Aug 30, 2001*.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-4 and 7-15* is/are rejected.

7) ☒ Claim(s) *5 and 6* is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *Aug 30, 2001* is/are a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4,7-15 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,289,665 to HIGGINS. HIGGINS discloses the use of a moment-resistant structural system including an elongate beam (16), and elongate column (7,8) and a collar structure (6,12) connecting the beams (16) and columns (7,8) such that moment is transferred between the beam (16) and the columns (7,8), column 3, lines 50-53. In reference to claim 2, the collar includes a column attachment member (6) and a beam attachment member (12) such that the members (6,12) are "floatingly" seated under gravity in that the portions (11) of member (12) are gravity seated within the portions (10) of member (6).

Regarding claim 3, HIGGINS discloses the use of a moment-resistant structural system including an elongate beam (16), and elongate column (7,8) and a collar structure (6,12) connecting the beams (16) and columns (7,8) such that moment is transferred between the beam (16) and the columns (7,8), column 3, lines 50-53. The collar includes a column attachment member (6) and a beam attachment member (12) such that the members (6,12) are "floatingly"

seated under gravity in that the portions (11) of attachment member (12) are gravity seated within the portions (10) of attachment member (6). The column attachment member (6) includes bearing faces similar to (FA1) and the beam attachment member (12) includes bearing faces similar to (FA2), see the marked attachment. In reference to claim 4, the column attachment member (6) includes sockets (10) for receipt of cleats (11) disposed on the beam attachment members (12).

In reference to claim 7, HIGGINS discloses the use of a moment-resistant structural system including a plurality of elongate horizontal beams (16), and a plurality of elongate vertical columns (7,8) and a multi-axial collar structure (6,12) connecting the beams (16) and columns (7,8) such that moment is transferred between the beam (16) and the columns (7,8), column 3, lines 50-53.

Regarding claim 8, HIGGINS discloses the use of a moment-resistant structural system including an elongate beam (16), and elongate column (7,8) and a collar structure (6,12) connecting the beams (16) and columns (7,8). The collar includes a first inner member (6) including bearing faces similar to (FA1) and a second outer member (12) including bearing faces similar to (FA2), see the marked attachment, such that the members (6,12) are seated under gravity in that the portions (11) of attachment member (12) are gravity seated within the portions (10) of attachment member (6).

In reference to claim 9, HIGGINS discloses the method of handling moment including the steps of preparing an elongate column (7,8) along it length with bearing surfaces (FA1); coupling

elongate beams (16) thereto through bearing faces (FA2); and delivering loads from the beams (16) to the columns (7,8, column 3, lines 50-53.

Regarding claim 10, HIGGINS discloses a moment-resistant structure and interaction between a beam (16) and a column (7,8) including a collar having an inner collar member (6) selectively anchorable to an outer collar member (12); wherein the collar members (6,12) circumsurround the column (7,8) to transfer loads to the columns (7,8), column 3, lines 50-53.

In reference to claim 11, HIGGINS discloses the use of a moment-resistant structure including a first bearing face (FA1) joined to a column member (7,8), a second bearing face (FA2) joined to a beam member (16); a collar having an inner collar member (6) selectively anchorable to an outer collar member (12); wherein the collar members (6,12) circumsurround the column (7,8) and a connection structure (10,11) connecting the bearing faces (FA1, FA2).

Regarding claim 12, HIGGINS discloses the use of a moment-resistant structural system including a plurality of elongate horizontal beams (16), a plurality of elongate vertical columns (7,8), inner collar member (6), and outer collar member (12); wherein the inner (6) and outer (12) collar members connect the beams (16) and columns (7,8) through gravity attraction of cleat (11) within socket (10) such that moment is transferred between the beam (16) and the columns (7,8), column 3, lines 50-53.

In reference to claim 13, HIGGINS discloses the use of a moment-resistant structural system including an elongate beam (16), and elongate column (7,8) and an interconnect structure

(6,12) connecting the beams (16) and columns (7,8) at simultaneous regions (10,11) such that moment is transferred between the beam (16) and the columns (7,8), column 3, lines 50-53.

Regarding claim 14, HIGGINS discloses a multi-axial moment-resisting structure including plural columns (7,8). Plural beams (16) and plural interconnect collars (6,12); whereby loads introduced to the structure are borne throughout the entire structure. In reference to claim 15, moment is transferred between the beam (16) and the columns (7,8), column 3, lines 50-53.

***Allowable Subject Matter***

3. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909.

YMH

December 16, 2002

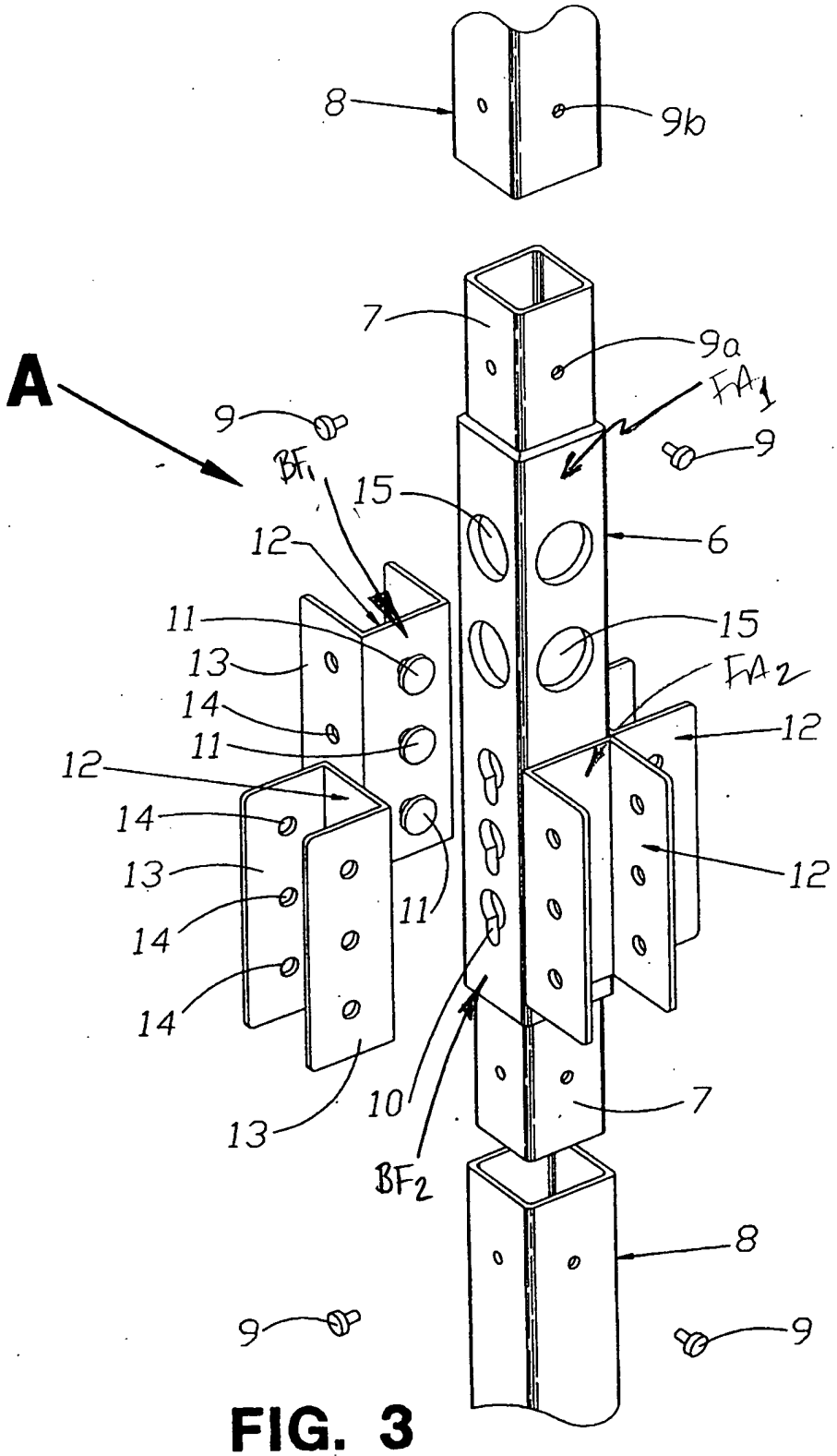
8
9b
7
9a
A
FA1
9
9
BF1
15
12
6
11
15
13
FA2
14
12
11
12
14
12
13
14
11
14
10
7
13
BF2
8
9
9

FIG. 3